

**MEMO ENDORSED**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/11/2022

Miguel Suarez Martinez  
Fed. Reg. No. # **72027-054**  
FCI Allenwood LOW  
PO Box 1000  
White Deer PA 17887

Hon. Judge J. Caproni  
United States District Court  
for the Southern District of New York

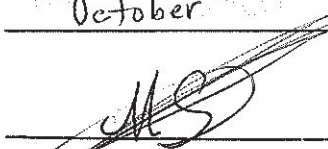
In re: Letter/Motion  
Case No. # **15CR165**

Honorable Judge Caproni:

I am writing this letter to you as I am scheduled to be released from Federal Prison in a little over a month. As of this writing, I still have not received my personal property which was held during my time in-transit for resentencing before this Court. In addition to my previous requests to this Court regarding this issue, I also complied with the BOP's Administrative process for return of property and TORT claim, but also received absolutely no action in this regards. Being that I will be deported following my release from prison, I am respectfully asking the Court for any recourse or action that can be taken to obtain my personal property or be reimbursed for the loss of the property in question. Please see prior filings for detailed list of property that has never been returned or recompensated.

I thank you for your time and attention to this matter.

Respectfully submitted this 4<sup>th</sup> of October, 2022.

  
Miguel Suarez Martinez

Mr. Suarez-Martinez was advised by the Court on January 11, 2022, that he should pursue the FTCA claim process for any property he believes was not returned to him or to his representative Mr. Jimenez. *See* Dkt. 127.

To file an administrative claim under the FTCA, Mr. Suarez-Martinez must submit a Form SF-95 (or other written notification of his claim) to his regional Bureau of Prisons ("BOP") Office. *See* 28 C.F.R. § 14.2(a); *Accolla v. U.S. Gov't*, 668 F. Supp. 2d 571, 573 (S.D.N.Y. 2009). His claim "must provide enough information to permit the agency to conduct an investigation and to estimate the claim's worth." *Romulus v. United States*, 160 F.3d 131, 132 (2d Cir. 1998).

To exhaust his administrative remedies under the FTCA, Mr. Suarez-Martinez must receive a final written denial of his claim from the BOP, or wait six months after filing his claim. Mr. Suarez-Martinez may then either file a request for reconsideration with the BOP, or file a lawsuit in the district court where he resides or where "the act or omission complained of occurred." *See Palmer-Williams v. United States*, 675 F. App'x 70, 71 (2d Cir. 2017) (summary order) (citing 28 U.S.C. §§ 2401(b), 2675(a); 28 C.F.R. § 14.9(b)); 28 U.S.C. § 1402(b). **If Mr. Suarez-Martinez has exhausted his administrative remedies, he should follow up with BOP or file a lawsuit in the appropriate district; this Court has no power to provide a remedy for Mr. Suarez-Martinez's lost property.**

The Clerk of Court is respectfully directed to mail a copy of this order and of Dkt. 127 to Mr. Suarez-Martinez.

SO ORDERED.

 10/11/2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE